

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

February 18, 2004

Lightyear Communications Inc., and Lightyear
Telecommunications, LLC
Request to Abandon Service

Docket No. 2003-957

ORDER GRANTING
AUTHORITY TO ABANDON
SERVICE

Lightyear Network Solutions, LLC
Petition for Finding of Public Convenience
and Necessity to Provide Service as an
Interexchange and Local Exchange Telephone
Utility as a Reseller

Docket No. 2003-934

ORDER GRANTING
AUTHORITY TO
PROVIDE INTEREXCHANGE
AND LOCAL SERVICE AS A
RESELLER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

On December 19, 2003, Lightyear Network Solutions, LLC ("New Lightyear") filed a request for a finding of public convenience and necessity to provide Resold Interexchange and Local Exchange services, and a Notification of Related Transactions. The Related Transactions include "(1) the from bankruptcy of Lightyear Communications, Inc. ("Lightyear") and Lightyear Telecommunications, LLC ("LLC", together the "Lightyear Companies"), and (2) a seamless transition of services to Maine customers from Lightyear to New Lightyear." The Lightyear Companies were granted authority to provide Interexchange service in Docket No. 1997-301 and Local Exchange Service in Docket No. 1998-116. Therefore, the petition constitutes a request by the Lightyear Companies to abandon service and an application by New Lightyear for a finding of public convenience and necessity to provide the same service now being provided by the Lightyear Companies.

As a result of these two transactions, the Lightyear Companies' current authority to provide interexchange and local exchange telephone services as a reseller will terminate and Lightyear Network Services will, in effect, take over its service.

The service, rate schedules and terms and conditions of the successor entity New Lightyear will be identical to those of the public utilities that are abandoning service, Lightyear Communications, Inc and Lightyear Telecommunications, LLC. In cases where a change such as the one before us has resulted in a change in rates or terms and conditions to existing customers, we have required the abandoning utility to provide notice to its customers. As this transaction will present no such change, we will not require notice.

By this order we grant authority to New Lightyear to provide interexchange and local service as a reseller subject to all provisions of the order granting authority to provide such service to the Lightyear Companies. On February 3, 2004, New Lightyear filed a proposed schedule of rates, terms and conditions reflecting the corporate and name change. We approve them in this Order.

Wherefore, we

O R D E R

1. That the request, pursuant to 35-A M.R.S.A. § 1104, by Lightyear Communications, Inc. and Lightyear Telecommunications, LLC to abandon service is hereby granted; and

2. That the petition, filed pursuant to 35-A M.R.S.A. § 2102, of Lightyear Network Solutions, LLC for a finding of public convenience and necessity to provide interexchange and local exchange public utility telephone service as a reseller is hereby granted; Lightyear Network Solutions, LLC shall be bound by and subject to all provisions, including the ordering paragraphs, of the order granting authority to the Lightyear Communications, Inc. and Lightyear Telecommunications, LLC in Docket Numbers 1997-301 and 1998-116; and

3. That the two proposed rate schedules and terms and conditions, of Lightyear Network Solutions, LLC filed on February 3, 2004, consisting of 77 pages (Tariff No.1) and 50 pages (Tariff No. 2) and attached hereto, is hereby approved.

Dated at Augusta, Maine this 18th day of February, 2004.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Diamond
Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.